

### **REMARKS**

Claims 1-29 were previously pending, of which claims 27-29 have been cancelled and claims 1-26 have been amended. Reconsideration of presently pending claims 1-26 is respectfully requested in light of the foregoing amendments and the following remarks.

#### **General Comments**

It will be noted that Applicants have made several minor amendments to the pending claims that are not in direct response to any objection to or rejection of the claims but that Applicants believe to cause the claims to read more clearly. None of the amendments made herein add new matter.

Additionally, Applicants have cancelled claim 27-29 as being identical to claims 15-17, respectively.

#### **Rejections under 35 U.S.C. §102(e)**

All of the pending claims (claims 1-26) stand rejected under 35 U.S.C. §102(e) as being anticipated by Fukazawa (U.S. Patent Publication No. 2002/0198964 hereinafter referred to as "Fukazawa"). Applicants respectfully traverse the Examiner's position for the following reasons.

The PTO provides in MPEP §2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

With regard to independent claims 1 and 15, Applicants submit that Fukazawa fails to teach every element of those claims. In particular, Fukazawa teaches a method of remotely monitoring and controlling a manufacturing facility through an MES using a wireless device connected to a web server via a transcoding proxy. Fukazawa is devoid of any teaching of allowing customers to define an alert and conditions corresponding to the alert and of sending real-time the alert automatically to the customer when the corresponding conditions are met, as clearly recited in claims 1 and 15. Contrary to the Examiner's assertions, these claim elements

are not described in paragraphs 47-48 and paragraphs 52-54 of Fukazawa. Specifically, those portions of the cited reference describe use of a wireless data device to access a web server thereby to monitor and control manufacturing operations. This is clearly not the same as allowing customers to define an alert and conditions corresponding to the alert. Moreover, the teaching in Fukazawa of a system that “. . . plays sounds, and provides requested information to the user . . .” does not anticipate sending an alert. These “sounds” and “requested information” played and provided in the Fukazawa system are in connection with access to a website; they are clearly not an alert sent to a user automatically in response to corresponding conditions (as defined by the user) being met, as recited in claims 1 and 15. As described the present application, and recited in claims 1 and 15, a user is able to set alerts that are automatically provided to the user upon the corresponding conditions being met. Hence, the claimed invention is proactive in notifying the user of certain conditions (as defined by the user) being met. In contrast, the system of Fukazawa only provides information to a user in response to specific requests for that information; not as a result of certain conditions being met.

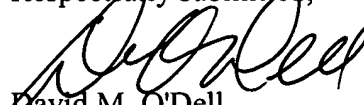
Accordingly, it is apparent that Fukazawa does not anticipate claim 1 or claim 15, as it fails to teach every element thereof. Therefore, the rejection is not supported by the Fukazawa reference and should be withdrawn.

**Conclusion**

It is clear from all of the foregoing that independent claims 1 and 15 are in condition for allowance. Claims 2-14 and 16-26 depend from and further limit independent claims 1 and 15 and are therefore also deemed to be in condition for allowance.

An early formal notice of allowance of claims 1-26 is requested.

Respectfully submitted,



David M. O'Dell

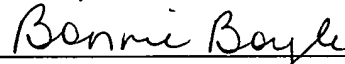
Registration No. 42,044

Dated: February 8, 2006

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972/739-8635  
Facsimile: 214/200-0853  
Client Matter No.: 2002-0709 / 24061.489  
R-122726.01

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 8, 2006



Signature of person mailing paper and fee